



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,836	10/12/2001	Charles Eric Hunter	**OO-0034	2310
23377 7590 01/02/2008 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER FADOK, MARK A	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/976,836

**Applicant(s)**

HUNTER ET AL.

**Examiner**

Mark Fadok

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-49 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2007 has been entered. Acknowledgement is made to the amendment to claims 31,33,35,38,39,41,42,44,45,46,47,49 and 51. Applicant's amendment and remarks have been carefully considered and were found to be persuasive, however after further consideration the previous office action modified as necessitated by amendment follows:

***Priority***

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention, which is also disclosed, in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the

requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No.'s 09/645,086, 09/567,716, 09/564,386, 09/465,729, fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. In this case at least "order/assigning security clearance security clearance for a particular venue from a plurality of venues" is only found in the instant application therefore the priority given to the instant application is that of October 12, 2001, which is the filing date of the instant invention.

#### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Application/Control Number:  
001252-802

Page 4

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31,42 and 51 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. The cited claims are inoperative, because they lack a concrete result. There is a lack of a concrete result because the claims may not be repeatable due to Government laws. As is evident in the airportsecurity articles 6 and 7, calculating a risk associated with an individual and the groups they belong to i.e. religious or ethnic may be seen as profiling that has been an issue in providing airport security in the form raised by the instant claims. Since there is no there is no indication of who is performing the checks the checks may be conducted by the government and therefore can be controlled by law. Further, if these checks are done privately and are accepted by TSA government officials, this may be taken as a back door method of advocating a profiling to increase the level of security at the airport check point.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31,42 and 51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case the specification does not indicate how one of ordinary skill in the art would overcome government restriction on profiling without undue experimentation. Further since government laws are subject to change, it would not be possible to assure that the invention as described today would be capable of functioning as claimed in the future.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-35, 39-44 and 47-49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanard (US PG PUB 20030024988) in view of airportsecurity1-11 (a collection of articles found in PTO 892) in view of Stowell (US PG PUB 2002/0099579) and further in view of Official Notice.

In regards to claim 42, Stanard discloses collecting profile information from a user and using that information (Para 0022) and identifying the person presenting the ticket at the venue that they are in fact, the authorized purchaser or owner of the ticket (Stanard 0028). Stanard however, does not specifically teach that the ticket provides a security

clearance. Airportsecurity10 and 11 teach etickets that are purchased remote from the venue containing profile information that can be used to raise a red flag (rating, airportsecurity10). Airportsecurity11, further teaches providing security passes that can expedite the boarding of prescreened frequent fliers, and airportsecurity3 teaches profile criteria is used to screen at airports for potential terrorists.

Stanard further does not teach said security clearance is based on a calculation of the risk posed by an individual and a calculation of the risk posed by any groups associated with said individual; Applicant's specification (see US PG PUB 20020095357, para 0146 states that "Utilizing artificial intelligence inference engines as **known in the art**, any number of seemingly disassociated personal traits or travel profiles of an individual or group of individuals attempting to gain access to public transportation system or public venue are immediately cross-referenced and a rating of security acceptance is generated at module 1095 and displayed on the agent's screen". Stowell likewise teaches using an inference engine to notify remote output devices of risk associated with an individual (para 0187). Also as noted by applicant the number of disassociated information can be evaluated to determine risk. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include both personal and associative traits, because it has been well established that linking a person to a particular profile and having the information available to the security personnel was old and well known in the art (airportsecurity7). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Stanard and Stowell the issuing of security clearances before



entry into the venue, because this will avoid disruption of frequent fliers (airportsecurity11) provide a screening of known terrorists that have connections with terrorist organizations (airportsecurity2) and provide a system that will separate into groups those that pose a security risk and those that do not (airportsecurity7, page 2).

Further, it is noted that all of the elements of the cited references perform the same function when combined as they do in the prior art. Thus such a combination would have yielded predictable results (see Sakraida, 425 US at 282, 189 USPQ at 453. Since the independent claims only unite old elements with no change in their respective functions the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

wherein the security clearance is based on at least a verification of the individual's identity (para 0011); and  
, and wherein said security clearance allows for expedited entry to said venue (airportsecurity7 and 11).

**In regards to claim 43**, Stanard, airportsecurity, Stowell and official notice teaches wherein said transmitting said security clearance to a device remote from a

venue comprises:

said transmitting said security clearance to a the telephone (para 0014).

**In regards to claim 44**, Stanard, airportsecurity, Stowell and official notice teaches wherein the verification is confirmed at the check-point by a code obtained by the individual via the interface (para 0011).

**In regards to claim 47**, Stanard, airportsecurity, Stowell and official notice teaches wherein the verification of the individual's identity includes routing a request to said check-point to further verify the individual's identity in addition to the verification of the individual's identity routed to the check-point (para 0035).

**In regards to claim 48**, Stanard, airportsecurity, Stowell and official notice teaches wherein the check-point provides access to a public venue (para 0011).

**In regards to claim 49**, Stanard, airportsecurity, Stowell and official notice teaches wherein the verification minimizes at least one security measure performed at the check-point upon the individual's arrival (para 0035)

Claims 31-35 and 39-41 are considered parallel claims to the claims above and are rejected for the same rationale.

**In regards to claim 51**, Stanard, airportsecurity, Stowell and official notice discloses a method for expediting security by providing for the ordering of a product in the form of a security clearance comprising:

receiving from a customer a multi-digit code, wherein said multi-digit code is related to a verification of the customer's identity (para 0011-0013);

see claim 1 for discussion of rating calculation.

transmitting said multi-digit code to an identity verification system, wherein said multi-digit code was previously given to said customer by said identity verification system after said customer had ordered security clearance for a particular venue from a plurality of venues (FIG 4); and

receiving a confirmation of the customer's identity from said identity verification system, wherein said confirmation is based at least in part on the confirmation of the multi-digit code (para 0035).

Claims 36,37,38 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanard, airportsecurity, Stowell and official notice in view of Mahnken et al (PgPub 20040030640).

**In regards to claims 36,37,38, 46**, Stanard, airportsecurity, Stowell and official notice teaches collecting data on individuals but does not specifically mention that a security risk is calculated on the individual. Mahnken teaches performing real-time

background checks that include information gathered from third party sources (claims 5 and 6). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Stanard a scoring module for determining risk as is taught by Mahnken, because this would add additional security and assure that individuals that were considered a risk would not be permitted to buy a ticket (Mahnken, para 0056).

**Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanard, airportsecurity, Stowell and official notice in view of Official Notice.**

Stanard, airportsecurity, Stowell and official notice discloses the claimed invention except that only one check-point is shown. It would have been obvious to one having ordinary skill in the art at the time of the invention to include multiple check-points, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. In re Jepikse, 86 USPQ 70. Stanard would be motivated to include multiple check points, because this would allow a user to enter from any gate of a venue thus reducing frustration on the part of the user by having to find a single entry point.

### ***Response to Arguments***

Applicant's arguments with respect to claims 31-49 and 51 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

A "traverse" is a denial of an opposing party's allegations of fact. The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

Application/Control Number:  
09/976,836  
Art Unit: 3625

Page 12

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

Alexandria, Va. 22313-1450

or faxed to:

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

**571.272.3600**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Fadok  
Primary Examiner